

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Carolyn Denise Bryant,)	C/A No.: 8:14-cv-2087-TLW
)	
Plaintiff,)	
)	
v.)	
)	ORDER
Carolyn W. Colvin, Commissioner of)	
Social Security,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the second Report and Recommendation (R&R) filed by United States Magistrate Judge Jacquelyn D. Austin (ECF No. 24). For the reasons set forth below, the second R&R is accepted.

By way of background, Plaintiff Carolyn Denise Bryant brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of Defendant Commissioner of Social Security, which denied Plaintiff's claims for Disability Insurance Benefits pursuant to the Social Security Act. (ECF No. 1.) This matter was initially referred to Magistrate Judge Austin pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), DSC. On July 27, 2015, the Magistrate Judge filed the first R&R (ECF No. 18) recommending reversal and remand to the ALJ based on the first ground raised by Plaintiff. Having recommended reversal and remand based on the first ground, the Magistrate Judge declined to specifically address Plaintiff's additional grounds. (*Id.* at 27.) Following entry of the first R&R, Defendant filed specific objections. (ECF No. 20.) This Court reviewed the first R&R and the objections and found the Commissioner's position persuasive. Accordingly, this Court declined to accept the first

R&R and, because the remaining issues raised in Plaintiff's Complaint had not been addressed, remanded this case to the Magistrate Judge to address the remaining grounds. (ECF No. 23.)

This matter is again before the Court for review of the second R&R (ECF No. 24) filed by the Magistrate Judge on October 7, 2015. In the second R&R, the Magistrate Judge adopts this Court's analysis of the first ground raised in Plaintiff's Complaint, analyzes the remaining grounds, and recommends that this Court affirm the Commissioner's decision. Plaintiff filed objections to the second R&R on October 16, 2015. (ECF No. 25.) The Commissioner filed a reply in support of the second R&R on October 30, 2015. (ECF No. 26.) The matter is now ripe for disposition.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court reviewed, *de novo*, the second R&R and the objections. Based on this review, and after careful and detailed consideration of the record and the filings of the parties, the Court finds that the decision of the Administrative Law Judge to deny benefits was supported by substantial evidence. Therefore, the second R&R (ECF No. 24)

is hereby **ACCEPTED**, and Plaintiff's objections (ECF No. 25) are hereby **OVERRULED**. For the reasons articulated by the Magistrate Judge, the Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

December 16, 2015
Columbia, South Carolina